

# HAYNES BOONE



September 30, 2022

**Via ECF**

The Honorable John P. Cronan  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1320  
New York, NY 10007

***Re: GMO Gamecenter USA Inc. and GMO Internet, Inc. v. Whinstone US, Corporation,  
No. 1:22-cv-5974 (S.D.N.Y.)***

Dear Judge Cronan:

Counsel for plaintiff GMO Gamecenter USA Inc. and GMO Internet, Inc. (collectively, “GMO”) writes to request the Court’s leave to file a Second Amended Complaint and to correct a misnomer of the defendant in the case caption in this matter. Counsel for the defendant consents to GMO’s filing of the Second Amended Complaint and to the amendment of the case caption. *See* Fed. R. Civ. P. 15(a)(2) (“[A] party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.”).

GMO named defendant “Whinstone US, Corporation” in its Complaint and First Amended Complaint, since that entity is named in the W Colocation Services Agreement (Texas) at the center of this action. However, the correct entity name is “Whinstone US, Inc.” and the designation of “Whinstone US, Corporation” in the Colocation Agreement was a misnomer. To correct the misnomer in the case caption, GMO seeks leave to file a Second Amended Complaint that names “Whinstone US, Inc.” as the defendant, but is otherwise identical to GMO’s First Amended Complaint. The proposed Second Amended Complaint, which names the correct defendant entity, is attached hereto as Exhibit A, and a redline demonstrating the changes made from the First Amended Complaint is attached hereto as Exhibit B.

Very truly yours,

/s/ Leslie Thorne

Leslie Thorne  
Partner, Haynes and Boone, LLP  
Leslie.thorne@haynesboone.com  
Direct Phone Number: 212.835.4848

/s/ Robert R. Scher

Robert R. Scher, Esq.  
Foley & Lardner LLP  
rscher@foley.com  
Direct Phone Number: 212.338.3405